



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ14-00021
Application Type: Rezoning
CPC Hearing Date: August 28, 2014
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: 1217 Magoffin Avenue
Legal Description: Lots 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas
Acreage: 0.23
Rep District: 8
Existing Zoning: R-MU/sp (Residential Mixed-Use/special permit)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Special permit for 53% parking reduction (Attachment 6)
Request: R-MU/sp (Residential Mixed-Use/special permit) to G-MU (General Mixed-Use)
Proposed Use: Apartments & Retail
Property Owner: Federico Villalobos
Representative: Eugenio Mesta

SURROUNDING ZONING AND LAND USE

North: C-4/sp (Commercial/special permit) / Offices
South: A-3/sp (Apartment/special permit) / Multi-family dwelling
East: A-3/H (Apartment/Historic) / Multi-family dwelling
West: C-1 (Commercial) / Single-family home

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Central Planning Area)

NEAREST PARK: Magoffin Pocket Park (1,011 feet)

NEAREST SCHOOL: Douglass Elementary (4,566 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 24, 2014. The Planning Division has not received any communications in support or opposition to the rezoning request.

CASE HISTORY

On July 22, 2008 Ordinance Nos. 16942 and 16943 rezoned the property to R-MU (Residential Mixed-Use) and granted a 53% parking reduction for the property, respectively. This development never commenced. As the proposed rezoning and Master Zoning Plan (MZIP) differ from the approved site plan associated with the special permit, the special permit will automatically terminate upon rezoning to General Mixed-Use (G-MU).

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-MU (Residential Mixed-Use/Special permit) to G-MU (General Mixed-Use) to provide flexibility in the zoning district. This proposed mixed-use development will consist of one three-story building that will house 556 square feet of retail space. Fifteen apartments of varying square footage are proposed for the multi-family component (Attachment 3). The mix of uses is detailed in the Master Zoning Plan (MZIP) Report (Attachment 4). Proposed G-MU (General Mixed-Use) setbacks are at zero feet all around. The existing R-MU (Residential Mixed-Use) setbacks are 45' in the rear, 7' at the front, and 4' on each side. The proposed height for the new structure is 49' and the

currently approved height is 42'. The applicant has received approval from the El Paso Department of Transportation for a smaller than standard commercial driveway and parking aisle (Attachment 5).

The development requires a total of 30 parking spaces; 14 on-site parking spaces are provided at the ground floor level to include 1 ADA accessible space. For this reason the applicant is requesting a 54% parking reduction.

As the property is less than the required 3 acres for a G-MU district, City Council will be asked to approve a reduction in minimum district area as part of the rezoning request.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from R-MU/sp (Residential Mixed-Use/special permit) to G-MU (General Mixed-Use) and the related Master Zoning Plan. The approval recommendation is based on the compatibility with existing commercial and apartment zoning in the area and the Future Land Use Map.

Plan El Paso- Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

The purpose of the G-MU (General Mixed-Use) district is to provide large-scale developments that are able to function as individual neighborhoods, as small-scale developments requiring flexibility because of unique design characteristics, or as transitional areas between dissimilar land uses.

ANALYSIS

20.10.360(G)

Residential, General and Industrial Mixed Use Districts (RMU, GMU and IMU). Uses permitted in a mixed-use development are as approved by city council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.

1. General Design Principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.
 - a. Development Perspective.
 - i. That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
 - ii. That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
 - iii. That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
 - iv. That proposed development noncontiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
 - v. That a mixture of housing types and densities be distributed throughout the mixed-use development.
 - vi. That transportation corridors be planned and reserved in coordination with land use

- patterns.
- vii. That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
- viii. That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
- ix. That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
- x. That neighborhoods be compact, pedestrian-friendly, and mixed use.
- xi. That ordinary activity of daily living occurs within walking distance of most dwellings.
- xii. That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.
- xiii. That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
- xiv. That appropriate building densities and land use be provided within walking distance of transit stops.
- xv. That civic, institutional and commercial activity be embedded, and not isolated, in the development.
- xvi. That a range of open space including parks, squares, and playgrounds be distributed within the development.
- xvii. That a development have sufficient size to accommodate the mixed-use concentration of uses.
- b. Building Perspective.
 - i. That buildings and landscaping contribute to the physical definition of streets as civic places.
 - ii. That the design of streets and buildings reinforce safe environments.
 - iii. That architecture and landscape design grow from local climate, topography, history and building practice.
 - iv. That public gathering spaces be provided in locations that reinforce community identity.
 - v. That the preservation and renewal of historic buildings be facilitated.
 - vi. That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

The applicant complies 20.10.360(G)(1)

2. General Design Elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed-use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.
 - a. Neighborhoods limited in size and oriented toward pedestrian activity.
 - b. A variety of housing types, jobs, shopping, services, and public facilities.
 - c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
 - d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
 - e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
 - f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles.
 - g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the

- neighborhood.
- h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
- i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.
- j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.

The applicant complies 20.10.360(G)(2)

- 3. Architectural Objectives. As part of the review of the mixed-use development plan the architectural design shall achieve the following objectives:
 - a. Architectural compatibility;
 - b. Human scale design;
 - c. Integration of uses;
 - d. Encouragement of pedestrian activity;
 - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
 - f. Residential scale buildings in any mixed residential area;
 - g. Buildings that contain special architectural features to signify entrances to the mixed-use development; and
 - h. Buildings that focus activity on a neighborhood open space, square or plaza.

The applicant complies 20.10.360(G)(3)

- 4. Roadway Design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of this Code shall apply in all instances.

20.10.360(G)(4) is not applicable to the proposed development.

- 5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall apply for purposes of calculating required spaces. Community-parking facilities or shared parking shall be encouraged in lieu of traditional off-street parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the city along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

A 54% parking reduction is being requested.

- 6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the city council as part of the review of the master zoning plan.

The applicant complies 20.10.360(G)(6)

- 7. Landscaping. Uses within a mixed-use development shall not be required to conform to the

landscaping requirements of Title 18 (Building and Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed-use development plan approval process.

The applicant complies 20.10.360(G)(7). 928 sq. ft. of open space is proposed on the ground floor.

COMMENTS:

Planning Division - Transportation

Recommend approval. A TIA is not required.

Note: All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

City Development Department – Plan Review

Recommend approval per approved driveway and drive aisle variance granted by EPDOT

City Development Department - Land Development

No objection.

Fire Department

Recommend “Approval w/conditions” of “Site Plan Application” as presented.

*****NOTE ***** PZRZ 14-00021

In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi-family structures, and Driveways as applicable to following sections of the fire code; *Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems.*

“When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”.

The Fire Planning Division has reviewed the submitted “Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with *approved* fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire

apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exception: The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where: 1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1.

905.3.1 Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

El Paso Water Utilities

EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water:

1. There is an existing 16-inch diameter water main that extends along Magoffin Dr. located approximately 20 feet south of the property's southern property line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.
2. There is an existing 6-inch diameter water main that extends along the alley between Magoffin Dr. and Myrtle Ave. located approximately 4-feet north of the alley centerline. This main is available for service.

Sewer

1. There is an existing 8 –inch diameter sanitary sewer main that extends along the alley between Magoffin Dr. and Myrtle Ave. located approximately 3-feet south of the alley centerline. This main is available for service.
2. There is an existing 12-inch diameter sewer main along Magoffin Ave. located 22-feet north of the south right-of-way line of Magoffin Avenue. This main is available for service.

General:

1. EPWU requires a new service application to serve the subject property. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Master Zoning Plan (MZIP)

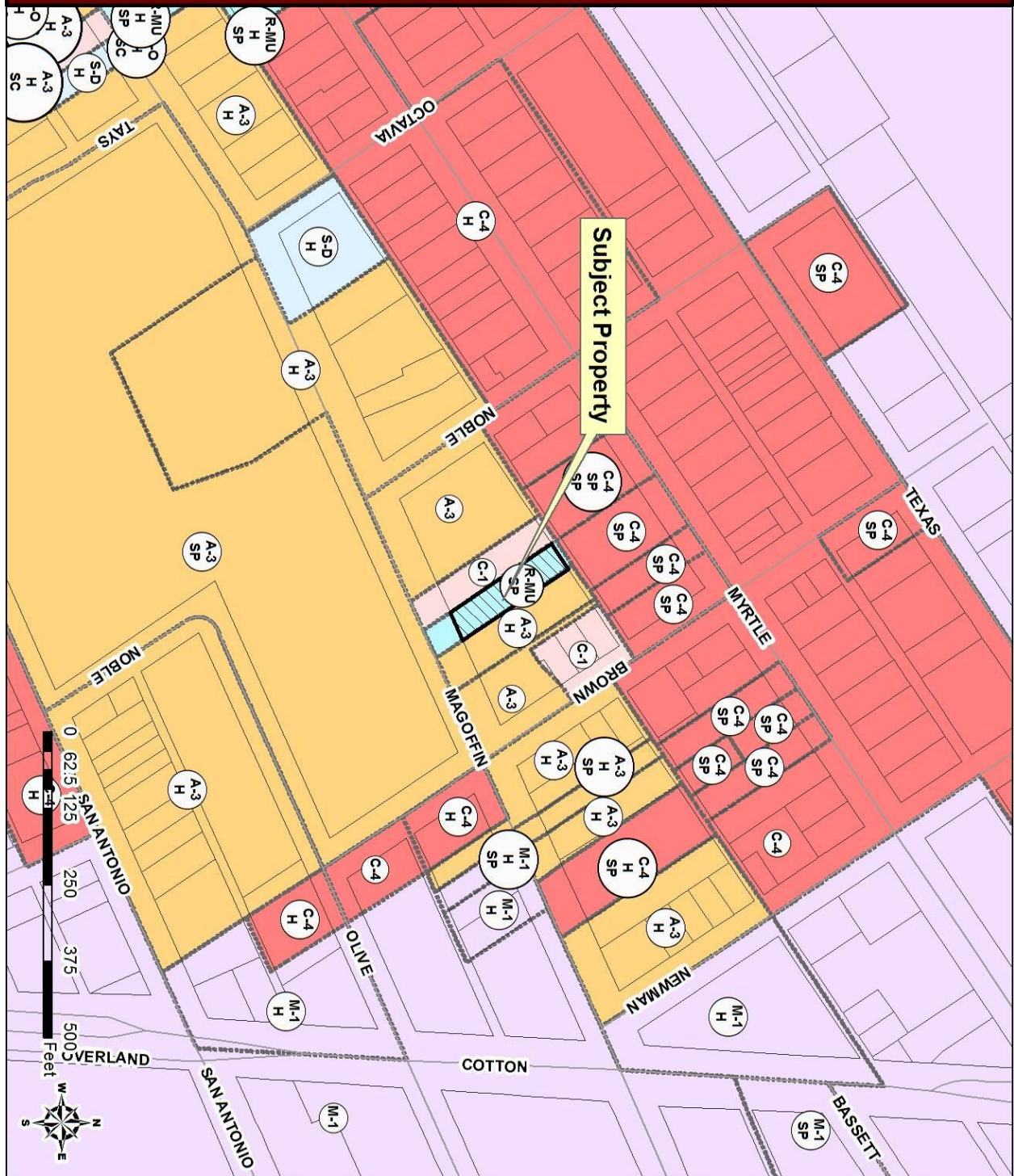
Attachment 4: Master Zoning Plan (MZIP) Report

Attachment 5: El Paso Department of Transportation Variance Letter

Attachment 6: Special Permit ZON08-00044

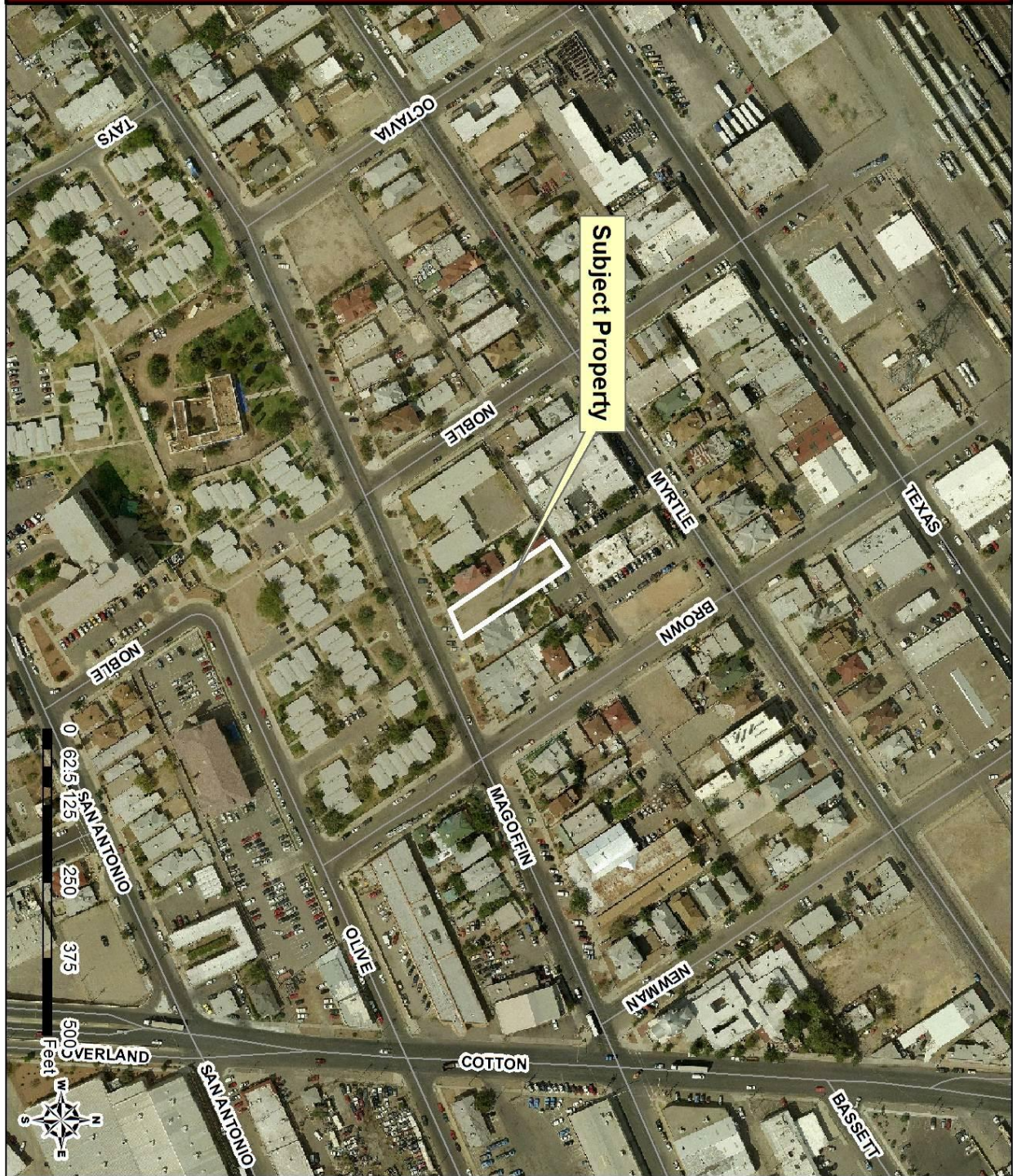
ATTACHMENT 1: ZONING MAP

PZRZ14-00021

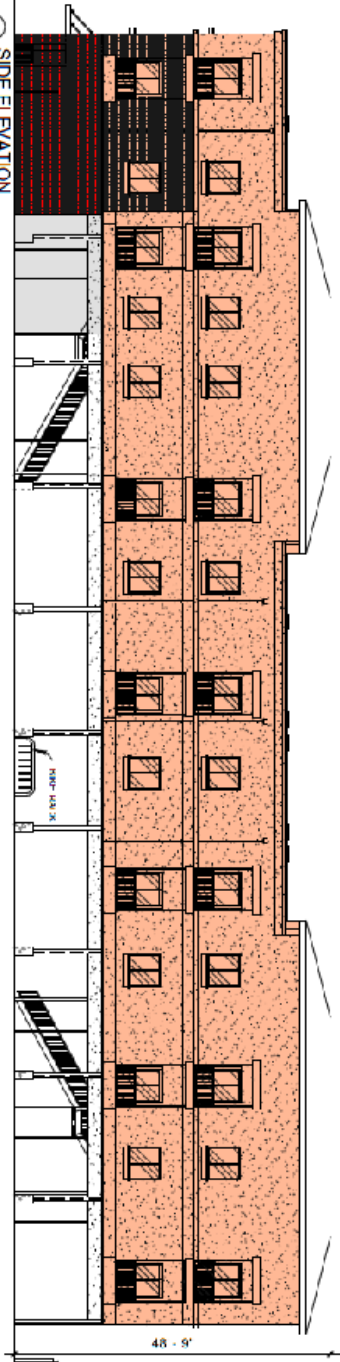


ATTACHMENT 2: AERIAL MAP

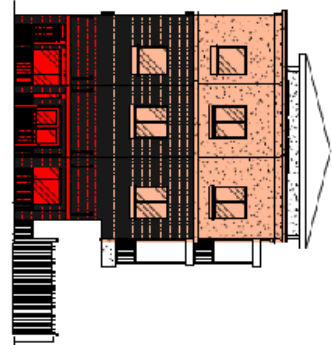
PZRZ14-00021



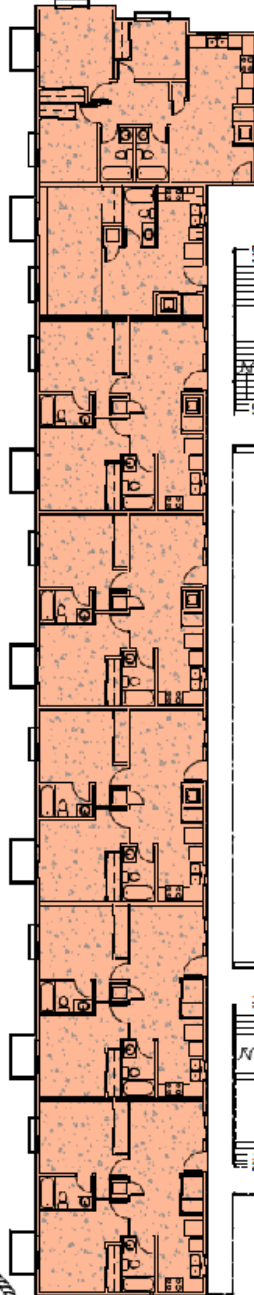
ATTACHMENT 3: MASTER ZONING PLAN (MZP)



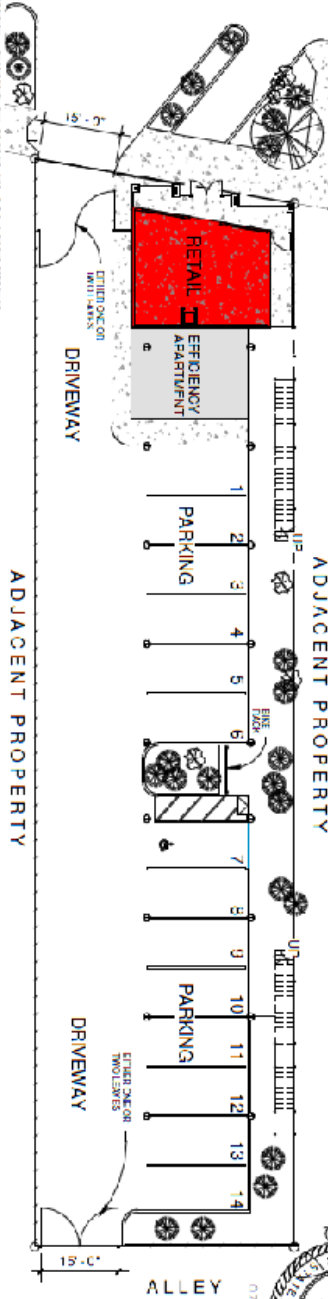
1 SIDE ELEVATION
1/16" = 1'-0"



2 FRONT ELEVATION
1/16" = 1'-0"



3 2ND FLOOR PLAN
1/16" = 1'-0"



4 SITE/FIRST FLOOR PLAN (H/VISIT)
1" = 20'-0"



HOURLY OCCUPANCY SCHEDULE

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun
0000-0100	0	0	0	0	0	0	0
0100-0200	0	0	0	0	0	0	0
0200-0300	0	0	0	0	0	0	0
0300-0400	0	0	0	0	0	0	0
0400-0500	0	0	0	0	0	0	0
0500-0600	0	0	0	0	0	0	0
0600-0700	0	0	0	0	0	0	0
0700-0800	0	0	0	0	0	0	0
0800-0900	0	0	0	0	0	0	0
0900-1000	0	0	0	0	0	0	0
1000-1100	0	0	0	0	0	0	0
1100-1200	0	0	0	0	0	0	0
1200-1300	0	0	0	0	0	0	0
1300-1400	0	0	0	0	0	0	0
1400-1500	0	0	0	0	0	0	0
1500-1600	0	0	0	0	0	0	0
1600-1700	0	0	0	0	0	0	0
1700-1800	0	0	0	0	0	0	0
1800-1900	0	0	0	0	0	0	0
1900-2000	0	0	0	0	0	0	0
2000-2100	0	0	0	0	0	0	0
2100-2200	0	0	0	0	0	0	0
2200-2300	0	0	0	0	0	0	0
2300-2400	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0

Magoffin Apartments

exigo 1

ATTACHMENT 4: MASTER ZONING PLAN (MZIP) REPORT

Master Zoning Plan for a General Mixed Use District

Magoffin Lofts

I. Purpose and Intent:

The purpose of this project and new Master Zoning Plan is to strengthen the existing neighboring community where there is an existing mixture of uses including offices, retail, churches, apartments, single family attached units, walk-ups, duplexes and row housing. Being located close to the University Medical Center, and Downtown is also a plus. This new district will enhance the neighborhood, promote walkable communities and the City of El Paso Comprehensive Plan and Smart Growth Objectives and initiatives throughout the City.

These Objectives will be followed with these outlined initiatives:

- Accommodate an innovative designed project that promotes multifamily housing and office/retail uses in Central El Paso;
- Provide a complex that promotes compatible uses, retail and multifamily housing, to have a relationship with the existing neighborhood promoting Public Transportation and pedestrian linkages with the rest of Downtown, and the Medical Center of the Americas;
- Continue with the redevelopment patterns that the City of El Paso is promoting in Downtown;
- Demonstrate that these trends are economically and socially feasible in Mid-Town El Paso.

II. Objective:

This District will accommodate an innovative Multifamily Living with a combination with retail-office and while providing adequate parking.

III. Characteristics:

Description: This District will built on a vacant lot creating 1 office-retail space, 1 Efficiency Apartment, 2-3 Bedroom Apartments, 10-2 Bedroom Apartments, and 2-1 Bedroom Apartments. A more detailed description of the design elements are as follows:

Access: The complex will have direct pedestrian access through Magoffin St. The parking area will be behind the primary three story building and under a three story structure. Secured access from Magoffin Streets and emergency exit through the back alley will allow the parking to flow smoothly within the property while allowing plenty of space for EMS vehicles to access the buildings.

Setbacks: The building will be built with zero setback along Magoffin St. and the southern property line. This will provide a closer relationship with the neighborhood promoting pedestrian life.

ATTACHMENT 4: MASTER ZONING PLAN (MZIP) REPORT

Density: The District Density will be 59 Units to the Acre as it will have 15 apartment units on .235 Acres. This is also compatible with some of the structures built around the neighborhood.

Landscaping: Landscaping will be provided in the ground floor along the southernmost property line.

Parking: There will be 14 Parking spaces provided in the ground floor. A 16 parking reduction is requested for including 2 for the retail-office space and 14 for the apartment units. However there is plenty of on-street parking available immediately adjacent to the property along Magoffin Street.

Sub Districts: There will be no Sub Districts in the Plan.

Phasing: The project will be built in one phase in its entirety.

Floor Area Ratio: The total construction area for this project is 12,438 S.F. for a total Floor Area Ratio of .82

IV. Relationship with Plan for El Paso:

This District will enhance the neighborhood's economic and social vitality and will follow the overall City of El Paso's Goals to revitalize Downtown and promote higher densities and mixed uses as per the Smart Growth initiatives.

The existing surroundings has a tight walkable community with schools, churches and retail within walking distance. This District will strengthen it by providing a modern and additional retail space that will enhance the neighborhood.

ATTACHMENT 4: MASTER ZONING PLAN (MZIP) REPORT

1217 Magoffin Mixed Use Table					
		Set backs			Maximum Building Height
Use	Area	Front	Back	Side	
Commercial Uses					
Child Care	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Youth Organization with living facility	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Office, Administrative and manager's	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Office, Medical	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Office, Professional	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Assisted Living facility (elderly)	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Convalescent Home	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Nursing Home	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Bed & Breakfast Inn	556 S.F.	0 Ft.	0 Ft.	0 Ft.	15 Ft.
Residential Uses					
Apartments (5 or more)	400+ S.F. (varying)	0 Ft.	0 Ft.	0 Ft.	50 Ft.

ATTACHMENT 5: EL PASO DEPARTMENT OF TRANSPORTATION VARIANCE LETTER



Mayor
Oscar Leoser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

Department of Transportation

August 4, 2014

EXIGO Architecture
C/O Eugenio Mesta, AIA, CNU-A
211 N. Florence, Suite 214
El Paso, Texas 79901

RE: 1217 Magoffin Ave., 15 foot one-way Driveway and 20 foot drive aisle width variance request

Mr. Mesta:

El Paso Department of Transportation (EPDOT) has reviewed the revised site plan and variance request, from the standard minimum 25-foot width for a two-way driveway and the 20-foot drive aisle width requirement, that you have provided on the proposed driveway off of Magoffin Avenue and parking area to serve 1217 Magoffin Avenue, proposed Magoffin Apartment Complex. The variances to the proposed one-way driveway of 15 feet in width and the 20 foot drive aisle width are granted, so long as the one-way driveway and street improvements are constructed to city standards, DSC, ADA/TAS requirements, rules, regulations and the following comments are addressed:

Recommend that the proposed street right-of-way – street/parkway modifications be included as part of the site plan. The proposed driveway will require modifications to the area angled parking zone, street illumination, landscaping, irrigation, curb extension(s) and sidewalk.

- EPDOT objects to the doors of the retail building structure/fencing at the front opening into the sidewalk and encroach onto the City ROW,
- The introduction of a curb cut and driveway will eliminate 3 parking spaces. The adjacent parking spaces to the east and curb extensions shall be properly designed and modified, to properly address the one way traffic movements from the property,
- Driveway shall be utilized in a one way direction and properly signed and marked,
- Recommend coordination with adjacent residents to advise on the loss of parking spaces,
- The previous July 21, 2014 variance, on the 20 foot two-way driveway, granted is rescinded.

Additionally, the proposed driveway and parkway modifications will require improvement plans and need to be coordinated with City Land Development and EPDOT, as it may be altering the street, illumination, landscaping and irrigation system(s).

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Marquez", is written over a light blue rectangular background.

Ted Marquez, P.E.
Director/Traffic Engineer
Department of Transportation

CC: Mathew McElroy, Director, City Development
Michael McElroy, Planner, City Development

Ted Marquez, Director
7968 San Paulo | El Paso, Texas 79907 | (915) 212-0118

Dedicated to Outstanding Customer Service for a Better Community

ATTACHMENT 6: SPECIAL PERMIT ZON08-00044

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ORDINANCE NO. **016943**

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00044, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 25 AND 26, BLOCK 17, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 PARKING REDUCTION OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Federico Villalobos as Property Owner and the Opportunity Center for the Homeless as Applicant, have applied for a Special Permit under Section 20.14.070 of the El Paso City Code to allow for a parking reduction; and,

WHEREAS, the requirements of Section 20.14.070 has been satisfied; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.260 Special Permits Generally of the El Paso City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows, is in an RMU (Residential Mixed Use) District: *Lots 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas;*

2. That the City Council hereby grants a Special Permit under Section 20.14.070 of the El Paso City Code so that a 53 % parking reduction, may be permitted on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the RMU (Residential Mixed Use) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00044**, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant(s) shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

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Doc #40262/Planning/Ord/ZON08-00044 (Special Permit for parking reduction)/LCUE

ORDINANCE NO. **016943**

Special Permit No. ZON08-00044

ATTACHMENT 6: SPECIAL PERMIT ZON08-00044 (CONTINUED)

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this 22nd day of July, 2008.

THE CITY OF EL PASO

John F. Cook
John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Victor Q. Torres
Victor Q. Torres, Director
Development Services Department

2008 JUL 22 PM 2:05

ORDINANCE NO. 016943

Special Permit No. ZON08-00044

2

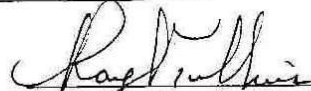
Doc #40262/Planning/Ord/ZON08-00044 (Special Permit for parking reduction and infill development)/LCUE

ATTACHMENT 6: SPECIAL PERMIT ZON08-00044 (CONTINUED)

AGREEMENT

The Opportunity Center for the Homeless, and the Property Owner referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the RMU (Residential Mixed Use) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 23rd day of JUNE, 2008.

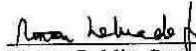

Ray Tullius, Executive Director
Opportunity Center for the Homeless

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

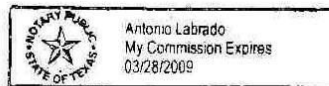
This instrument is acknowledged before me on this 23rd day of June, 2008, by Ray Tullius, Executive Director, of the Opportunity Center for the Homeless.

(Seal)


Notary Public, State of Texas
Signature

Antonio Labrado
Printed or Typed Name

My Commission Expires:



03/28/2009 PM 2:05

ORDINANCE NO. 016943

Special Permit No. ZON08-00044

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Doc #40262/Planning/Ord/ZON008-00044 (Special Permit for parking reduction and infill development)/LCUE